



Inside Ag *July 2, 2008*

CDA's Pesticide Registration Program

Colorado Department of Agriculture



DIVISION OF PLANT INDUSTRY

Pesticides are regulated at the federal level by the Environmental Pesticide Agency. In addition, they are regulated at the state level by CDA's Pesticide Program, in the Division of Plant Industry. One part of this program is the state pesticide registration program.

What is a pesticide? The legal definition of a pesticide includes insecticides, fungicides, herbicides, and products that repel pests such as insects, birds, or mammals. It also includes disinfectants, such as the many household products that are used to disinfect kitchens and bathrooms.

State pesticide registration requirement: Prior to any distribution or sale in Colorado, each of these products must be registered with CDA. This allows us a chance to review each product label to make sure it complies with the EPA requirements. We also maintain a filing system with a copy of the product label for each of the 11,000 pesticides that can be sold in Colorado. Information on each pesticide registered in Colorado is currently available at:
<http://state.ceris.purdue.edu/hlm/co.htm>.

e-label pilot program: We are currently participating in a pilot program with several other states to begin reviewing and storing electronic versions of labels. Some of the labels for registrants participating in this pilot program are already available on the website provided above. For more information on this e-label pilot program, visit
<http://ppis.ceris.purdue.edu/htbin/alstar.com>.

Retail inspection activities: We also inspect pesticide products that are on display at retail stores, to make sure that all products are registered with CDA, that the label directions and warnings on each container are complete and legible, and that no containers are leaking or broken.

In 2007, we issued violation notices to 105 individual stores for problems with leaking containers. The most common problem is with bags of fertilizer/pesticide combinations, such as "weed & feed" products. We are working with retailers to reduce the problems with leaking containers of such products.

Changes to broken bag policy: Our current policy is that no containers with holes can be sold to customers, even if an attempt has been made to repair the damage. In most other states, small tears in bags can be patched with clear plastic tape. We have been working on a rule change to allow patching of small tears and holes of pesticide bags under certain conditions, and also requiring prompt clean-up of any spilled pesticides resulting from torn or broken containers. This draft rule change should be available on the CDA website by mid-July.

This will not only reduce the expense to retailers of disposing of such products as hazardous waste but will also reduce the potential risks to the environment if such damaged containers are disposed of improperly by stores. As this rule change takes affect, we will continue to conduct marketplace inspections and work with retailers to improve this problem.



Special State Pesticide Registrations (Special Local Need Registrations and Emergency Exemptions):

In most cases, a pesticide cannot be used in Colorado unless the pesticide has been registered with EPA and the use site is on the label. However, we have two mechanisms that allow CDA to obtain pesticide uses for specific Colorado needs, that are only allowed within Colorado. Both of these only come into play when there is a lack of other effective alternatives. These are **Special Local Need registrations** (often also referred to as 24(C) registrations) and **“Section 18” emergency exemptions**.

For a **Special Local Need registration (SLN)**, the authority of the EPA to register a pesticide use has been delegated to the state. This allows the state to approve uses that may be too small to justify the manufacturer's expenses to obtain a national EPA registration. SLN's are particularly vital to production of Colorado's minor crops.

CSU extension currently maintains a website with a list of our SLN registrations:

http://www.cepep.colostate.edu/special_needs.htm

A **Section 18 use** is an **emergency exemption** from the requirement for a registration from EPA. Unlike an SLN, approval authority has not been delegated to the state. Instead, we must submit an application to EPA. EPA reviews our application carefully before deciding if they will grant our request. Our application to EPA must demonstrate that the situation meets the following criteria:

- We must clearly define an emergency situation and it must be urgent and non-routine.
- There cannot be other adequate control measures available.
- The emergency situation must cause a significant economic loss.

The number of emergency exemptions we have needed has declined greatly in the last few years. This is due to EPA clearing out a backlog of pending requests from registrants to add new crops to existing products, and to faster turn-around times at EPA for new applications. We only applied for 3 emergency exemption uses this year.

Colorado Section 18 Emergency Exemption Requests approved in 2008.

Product		site	pest	Expiration date
Poncho	Insecticide	sugarbeets	insecticide, seed treatment	9/30/2008
Carzol	Insecticide	onions	thrips	9/30/2008
Actigard	fungicide	onions	iris yellow spot virus	9/1/2008

If a grower or applicator wants to use any pesticide under an emergency exemption, they need to be a licensed applicator, and they also need to obtain a permit from CDA prior to purchase and use. These permits can be obtained by calling us at 303-239-4144. If you have more general questions or are aware of developing situations where an emergency exemption may be warranted, please contact me at 303-239-4147.

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